

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

TONI FEIBUSCH,)	DECLARATION OF ROBERT D.
)	HARRIS
Plaintiff,)	
)	
v.)	
)	
INTEGRATED DEVICE)	
TECHNOLOGY, INC. EMPLOYEE)	
BENEFIT PLAN and SUN LIFE)	
ASSURANCE COMPANY OF)	
CANADA,)	
)	
Defendants.)	
_____)	

DECLARATION OF ROBERT D. HARRIS

I, ROBERT D. HARRIS, declare as follows:

1. I am an attorney with the law firm Damon Key Leong Kupchak Hastert, co-counsel for Plaintiff, and am duly licensed to practice in all courts in the State of Hawai'i.

2. I make this Declaration upon personal knowledge and am competent to testify to the matters stated herein.

3. Attached hereto as Exhibit "A" is a true and correct printed copy of the webpage found at
[http://www2.dca.ca.gov/pls/wllpub/WLLQRYNA\\$LCEV2.QueryView?P_LICEN](http://www2.dca.ca.gov/pls/wllpub/WLLQRYNA$LCEV2.QueryView?P_LICEN)

SE_NUMBER=3155&P_LTE_ID=830. This exhibit was printed on April 24, 2007.

4. Attached hereto as Exhibit “B” is a true and correct printed copy of the ruling of the Physical Therapy Board of California, “Functional Capacity Evaluations Performed by Physical Therapy Assistants” found online at http://www.ptb.ca.gov/pubs/functional_capacity.pdf. This exhibit was printed on April 24, 2007.

5. Attached hereto as Exhibit “C” is a true and correct copy of *Jerden v. Amstutz*, 2006 U.S. App. LEXIS 686 (9th Cir. 2006), which was obtained on April 24, 2007 from LexisNexis.

6. Attached hereto as Exhibit “D” is a true and correct copy of *Stup v. Unum Life Ins. Co. of America*, 390 F.3d 301 (4th Cir. 2004), which was obtained on April 24, 2007 from LexisNexis.

7. Attached hereto as Exhibit “E” is a true and correct copy of *Ballinger v. Eaton Corp.*, 2002 U.S. Dist. LEXIS 14433 (S.D. Iowa 2002), which was obtained on April 24, 2007 from LexisNexis.

8. Attached hereto as Exhibit “F” is a true and correct copy of *Edgerton v. CNA Ins., Co.*, 2002 U.S. Dist. LEXIS 15490 (E.D. Pa. 2002), which was obtained on April 24, 2007 from LexisNexis.

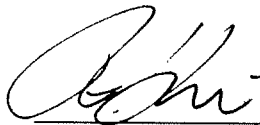
9. Attached hereto as Exhibit "G" is a true and correct copy of *Boardman v. Edwards Ctr., Inc. Long Term Disability Plan*, 2004 U.S. Dist. LEXIS 9250 (D. Ore. 2004), which was obtained on April 24, 2007 from LexisNexis.

10. Attached hereto as Exhibit "H" is a true and correct copy of *Migliaro v. IBM Long-Term Disability Plan*, 2002 U.S. Dist. LEXIS 21805 (M.D. Fla. 2002), which was obtained on April 24, 2007 from LexisNexis.

11. Attached hereto as Exhibit "I" is a true and correct copy of King, et al., "A Critical Review of Functional Capacity Evaluations," *Physical Therapy* 1998; 78:852-866, which was obtained on April 24, 2007 from the Journal of American Physical Therapy Association's website at <http://www.ptjournal.org/cgi/reprint/78/8/852>.

I declare under penalty of perjury under the laws of the State of Hawai'i that the foregoing is true and correct.

Executed this 24^h day of April, 2007 at Honolulu, Hawai'i.



ROBERT D. HARRIS